

## **Essential Elements of the Proposed National Bison Range Water Rights Compact**

- The Montana Reserved Water Rights Compact Commission and the United States Fish and Wildlife Service (FWS) have been in negotiations, pursuant to Montana law, to quantify the federal reserved water rights of the FWS for the National Bison Range, located in Water Court Basin 76L on the Flathead Indian Reservation near Charlo, Montana.
- The RWRCC was created by the Montana Legislature in 1979 to act on behalf of the State to negotiate settlements of federal reserved water right claims as part of the state-wide water adjudication. A federal reserved water right is created when an Act of Congress or a Presidential Executive Order or Proclamation sets aside federal land from the public domain for a specified purpose. This includes Indian Reservations, some Fish and Wildlife Refuges, some BLM lands, National Forests, National Parks, and others. The water right has the priority date of the reservation of the land, even though the water right might not have been used at that time or even at present. The water right includes the amount of water necessary to accomplish the specified purpose(s) for which the land was reserved.
- By state law a negotiated settlement must be enacted by the Montana Legislature, be approved by federal officials, and go through an objection process in the Montana Water Court. After objections to all claims (including objections to the Compact) are resolved, the Water Court issues a final decree for all water rights in each basin, including the reserved rights in the negotiated settlement.
- This Compact quantifies federal reserved water rights for the FWS' National Bison Range from springs, seeps, naturally-occurring flood flows and groundwater sources arising inside the boundaries of the National Bison Range for:
  - Consumptive wildlife use rights for up to 755 animal units (one male bison equals 1.5 animal units; one female bison equals 0.9 animal units; one elk equals 0.75 Animal Units, and one mule deer, whitetail deer, bighorn sheep or antelope equals 0.2 Animal Units);
  - Non-consumptive wildlife uses from springs, seeps and naturally-occurring surface flows;
  - Consumptive and non-consumptive administrative uses, including but not limited to domestic, lawn and garden, storage and dust abatement purposes.
- The water rights recognized in this Compact will have no appreciable effect on any water uses outside the Bison Range as the sources of these water rights are predominantly springs, seeps and groundwater arising within the boundaries of the Bison Range.
- The priority date for these uses shall be May 23, 1908.
- These water rights will be administered in the same way as water rights established under state law.
- Nothing in this Compact concerns the management of the National Bison Range, only on the federal reserved water rights that Bison Range managers will have at their disposal.